FILED

2008 JUL -2 PM 4:35

CLERK U.S. SOUTHERN DISTRICT

BY [signature] DEPUTY

CARL BENSON \DAVID JACKSON
4202 FELTON ST. # 23
SAN DIEGO CA
(619)646-5239
(619)646-2168

CARL BENSON/DAVID JACKSON IN Pro Per

United States District Court

~~SUPERIOR COURT OF THE STATE OF CALIFORNIA~~

Southern District of CA

FOR THE ~~COUNTY OF SAN DIEGO~~

| | |
|---|---|
| CARL BENSON /DAVID JACKSON<br>Plaintiff,<br>vs.<br>JERIMIAH BARRY,<br>Defendant | Case No.: '08 CV 1186 BTM AJB<br><br>DOCUMENT TITLE (e.g., COMPLAINT FOR DAMAGES) |

Dated this 26th day of June, 2008

PLAINTIFFS STATES,

TO HAVE BEEN HARRASSED NUMOROUS TIMES BY DEFENDANT ABOUT LOUD MUSIC BUT HAS ALLOWED A SELECTED FEW TO HAVE PARTIES THAT GO ON WELL PAST THE HOUR OF 12 OCLOCK A.M.

TO HAVE BEEN THREATENED BY DEFENDANT (DON'T MAKE ME COME BACK UP HERE OR ELSE !!! )

RESTRICTIVE LIMITATIONS HAVE BEEN INSTITUTED SINCE RISIDING AT SAID ADDRESS

LEASE AGREEMENT HAS BEEN DENIED TO PLAINTIFFS DUE TO DEFENDANTS PERSONALLY MOTIVATED ACTS AND OPEN DISCRIMINATORY PRACTICES

23

RECEIPT

DATE 3/4/08 No. 253503

RECEIVED FROM David Jackson $400

Four Hundred DOLLARS

FOR RENT / FOR Apt 23

| | |
|---|---|
| ACCOUNT | 1825 |
| PAYMENT | 400 |
| BAL. DUE | 1425 |

CASH / CHECK / MONEY ORDER

FROM On acct TO

BY [signature]

adams 1182

23

RECEIPT

DATE 4/9/2008 No. 253543

RECEIVED FROM Carl Benson $ 900

Nine Hundred DOLLARS

FOR RENT / FOR Apt 23

| | |
|---|---|
| ACCOUNT | 1878 |
| PAYMENT | 900 |
| BAL. DUE | 978 |

CASH / CHECK / MONEY ORDER

FROM on account TO

BY [signature]

adams 1182

23

RECEIPT

DATE 28 APRIL 2008 No. 253551

RECEIVED FROM Carl Benson $800

Eight Hundred DOLLARS

FOR RENT / FOR Apt 23

| | |
|---|---|
| ACCOUNT | 800 |
| PAYMENT | 800 |
| BAL. DUE | — |

CASH / CHECK / MONEY ORDER

FROM May 1, 08 TO May 31, 08

BY [signature]

adams 1182

23

RECEIPT

DATE June 2, 2008 No. 253590

RECEIVED FROM Carl BENSON $ 800

Eight Hundred DOLLARS

FOR RENT / FOR Apt 23

| | |
|---|---|
| ACCOUNT | 800 |
| PAYMENT | 800 |
| BAL. DUE | — |

CASH / CHECK / MONEY ORDER

FROM June 2008 TO

BY [signature]

adams 1182

SEVERE EMOTIONAL DISTRESS HAS OCCURRED DUE TO THREAT OF BODILY HARM BEING MADE IN THE PRESENCE OF PLAINTIFFS GIRLFRIEND AND BECAUSE PLAINTIFF CHOSING TO RESOLVE SAID MANNER IN A SOCIALLY ACCEPTABLE FASHION ,PLAINTIFFS GIRLFRIEND SHORTLY AFTER REFUSED TO RETURN UNTIL SOMETHING COULD BE DONE ABOUT THE SITUATION AND SHORTLY AFTER THAT BROKE OFF ENTIRE RELATIONSHIP

TO HAVE BEEN EXTREMELY DEPRESSED BUT HAS LEARNED TO DEAL WITH LIFE ON LIFES TERM AND THUS CONTINUES TO ATTEMPT TO LEAD A SEMI SOCIALLY ACCEPTABLE LIFESTYLE

HE HAS NO HISTORY OF PROPERTY ABUSE OR NEGLECT AND BECAUSE OF THIS FACT AND OTHERS STATED WAS FORCED TO TAKE LEGAL ACTION AS THE ONLY OPTION TO RESOLVE THIS MATTER

TO BE AWARE OF THE FACT SINCE HE IS NOT EMPLOYED BYSAID DEFENDANT THAT A NOTICE OF RIGHT TO SUE IS NOT REQUIRED BUT HAS MADE SUCCESSFUL EFFORTS IN CONTACTING D.F.E.H. AND IS PRESENTLY AWATING RESPONSE

*Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997).

THAT ALL CLAIMS MADE IN THIS DOCUMENT ARE METORIOUS
Newby v. Alto Riviera Apartments,60 Cal App.3d 288(1976)
WITNESSES WILL BE SUMMOND TO TESTIFY FOR VERIFICATION OF THE OUTRAGIOUS BEHAVIOR OF THE DEFENDENT

DEFENDANT BEING OF SOUND MIND AND BODY TRULY INTENDED TO CAUSE PHYSICAL HARM OR INFLICT SEVERE EMOTIONAL TRAUMA IF PROMTED TO RETURN

DEFENDANT HAD INTENTION TO CAUSE EMOTIONAL DISTRESS BY MAKING THREAT OF RETURNING IN FRONT OF PLAINTIFFS GIRLFRIEND AND SON, AND PLAINTIFFS NEPHEW

FOR THE NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS CAUSED BY DEFENDENTS STATEMENTS WHICH ULTIMATELY ENDED PLAINTIFFS RELATIONSHIP WITH GIRLFRIEND
PLAINTIFF SEEKS THE ASSISTANCE OF THE COURT IN SECURING FOR DAMAGES 4.5 MILLION DOLLARS

JS 44 (Rev. 11/04)

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED 2008 JUL -2 PM 4:25 CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY DEPUTY

**I. (a) PLAINTIFFS** CARL BENSON, DAVID JACKSON

**DEFENDANTS** Jerimiah Barry

(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) N/A

Attorneys (If Known) '08 CV 1186 BTM AJB

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

| | PTF | DEF | | PTF | DEF |
|---|---|---|---|---|---|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

**CONTRACT**
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

**REAL PROPERTY**
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

**TORTS**

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

**CIVIL RIGHTS**
- ☐ 441 Voting
- ☐ 442 Employment
- ☒ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

**PRISONER PETITIONS**
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

**FORFEITURE/PENALTY**
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

**LABOR**
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

**BANKRUPTCY**
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

**PROPERTY RIGHTS**
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

**SOCIAL SECURITY**
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 42 US Code Sec 1981, 1983

Brief description of cause: THREAT TO BODILY HARM, ETHINIC DISCRIMINATION

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ 4.5 MILLION

CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD Carl Benson

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CR